

*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

for the

**FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND**

Plaintiff(s)

**v.**

**BAT MASONRY COMPANY, INCORPORATED  
WAYNE B. BOOTH  
WAYNE B. BOOTH AMENDED AND RESTATED  
REVOCABLE TRUST U/A DATED 6/27/08**

Defendant(s)

Civil Action No. 2:12cv491

**To:** *(Defendant's name and address)* **Wayne B. Booth**  
22473 Timberlake Road  
Lynchburg, VA 24502

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Neil S. Lowenstein and Michael P. Giordano

Neil S. Lowenstein and Michael P. Giordano  
101 W. Main Street, Suite 500  
500 World Trade Center  
Norfolk, Virginia 23510

**If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.**

**CLERK OF COURT**

Date:

8/31/2012

*Signature of Clerk or Deputy Clerk*

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*Printed name and title*

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AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

Eastern District of Virginia

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND

*Plaintiff(s)*

v.

BAT MASONRY COMPANY, INCORPORATED  
WAYNE B. BOOTH  
WAYNE B. BOOTH AMENDED AND RESTATED  
REVOCABLE TRUST U/A DATED 6/27/08

*Defendant(s)*

Civil Action No. *2:12cv491*

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* Bat Masonry Company, Incorporated  
Serve: Gregory W. Booth, Registered Agent  
22473 Timberlake Road  
Lynchburg, VA 24502

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Neil S. Lowenstein and Michael P. Giordano  
101 W. Main Street, Suite 500  
500 World Trade Center  
Norfolk, Virginia 23510

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Date:

*8/31/2012*

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